

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ALLIANCE FOR OPEN SOCIETY  
INTERNATIONAL, INC., OPEN SOCIETY INSTITUTE, and  
PATHFINDER INTERNATIONAL,

Plaintiffs,

v.

Civil Action No. 05-cv-  
8209 (VM)

UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT and ANDREW S. NATSIOS, in his official  
capacity as Administrator of the United States Agency for  
International Development, and his successors;

NOTICE OF MOTION TO  
ADMIT RICHARD A.  
JOHNSTON COUNSEL  
PRO HAC VICE

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
SERVICES and MICHAEL O. LEAVITT, in his official capacity  
as Secretary of the U.S. Department of Health and Human  
Services, and his successors; and

UNITED STATES CENTERS FOR DISEASE CONTROL AND  
PREVENTION and JULIE LOUISE GERBERDING, in her  
official capacity as Director of the U.S. Centers for Disease  
Control and Prevention, and her successors;


Defendants.  
-----X

FILED  
2006 FEB 23 PM 3:52  
S.D. OF N.Y.

PLEASE TAKE NOTICE that upon the annexed affidavit of Richard A. Johnston in support of this motion, and the Certificate of Good Standing annexed thereto, the undersigned will move this Court before the Honorable Victor Marrero for an order pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, admitting Richard A. Johnston *pro hac vice* to the Bar of this Court to argue or try this case in whole or in part as counsel to the plaintiffs.

Dated: February 23, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. Bowker", written over a horizontal line.

David W. Bowker (DB 3029)  
Wilmer Cutler Pickering Hale and Dorr LLP  
399 Park Avenue  
New York, NY 10022  
Telephone: 212-230-8852  
Fax: 212-230-8888

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ALLIANCE FOR OPEN SOCIETY  
INTERNATIONAL, INC., OPEN SOCIETY INSTITUTE, and  
PATHFINDER INTERNATIONAL

Plaintiffs,

Civil Action No. 05-cv-  
8209 (VM)

V.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT and ANDREW S. NATSIOS, in his official capacity as Administrator of the United States Agency for International Development, and his successors;

AFFIDAVIT OF  
RICHARD A. JOHNSTON  
IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL PRO HAC  
VICE

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES and MICHAEL O. LEAVITT, in his official capacity as Secretary of the U.S. Department of Health and Human Services, and his successors; and

UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION and JULIE LOUISE GERBERDING, in her official capacity as Director of the U.S. Centers for Disease Control and Prevention, and her successors;

Defendants.

COMMONWEALTH OF MASSACHUSETTS )  
 ) ss.:  
COUNTY OF SUFFOLK )

RICHARD A. JOHNSTON, being duly sworn, deposes and says:

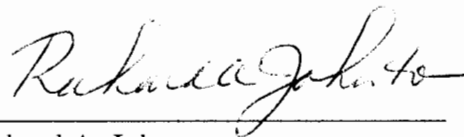
1. I am a senior partner with the firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel to Alliance for Open Society International, Inc., Open Society Institute, and Pathfinder International in the above-captioned matter. I submit this affidavit in support of David W. Bowker's motion that I be admitted *pro hac vice* for the purposes of this

action, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

2. As shown in the Certificate of Good Standing annexed hereto as Exhibit A, I am member in good standing of the Bar of the Commonwealth of Massachusetts.
3. There are no pending disciplinary proceedings against me in any State or Federal court.
4. For the reasons stated, I respectfully request that this honorable Court grant David W. Bowker's motion that I be admitted *pro hac vice* for the purposes of this action.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on February 22, 2006.



Richard A. Johnston  
Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6936

#### NOTARY VERIFICATION

Sworn to before me this 22<sup>nd</sup> day of February, 2006.



Notary Public

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

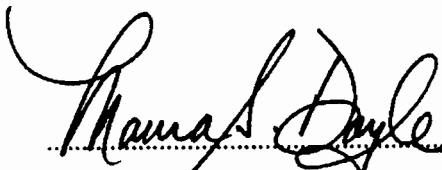
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the twelfth day of January A.D. 1977, said Court being the highest Court of Record in said Commonwealth:

Richard A. Johnston

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this twenty-seventh day of January in the year of our Lord two thousand and six.



  
MAURA S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ALLIANCE FOR OPEN SOCIETY INTERNATIONAL, INC.,  
OPEN SOCIETY INSTITUTE, and PATHFINDER  
INTERNATIONAL,

Plaintiffs,

Civil Action No. 05-cv-8209  
(VM)

v.

**Affidavit of Service**

UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT and ANDREW S. NATSIOS, in his official  
capacity as Administrator of the United States Agency for  
International Development, and his successors;

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
SERVICES and MICHAEL O. LEAVITT, in his official capacity  
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Services, and his successors; and

UNITED STATES CENTERS FOR DISEASE CONTROL AND  
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Defendants.

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STATE OF NEW YORK     )  
                                  :ss:  
COUNTY OF NEW YORK    )

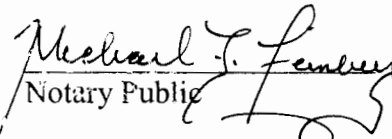
Jeremy Low, being duly sworn, deposes and says:

1. I am over 18 years of age and am employed by Wilmer Cutler Pickering Hale and Dorr LLP and am not a party to this action.
2. On February 23, 2006, I caused a true and correct copy of the attached Notice of Motion to Admit Richard A. Johnston Counsel Pro Hac Vice, Affidavit of Richard A. Johnston in Support of Motion to Admit Counsel Pro Hac Vice, and Proposed Order to be served on the following parties via Federal Express:

RICHARD E. ROSBERGER, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
86 CHAMBERS STREET  
NEW YORK, NEW YORK 10007

  
\_\_\_\_\_  
Jeremy Low

Sworn to before me this 23 day of February 2006

  
\_\_\_\_\_  
Notary Public

**MICHAEL L. FEINBERG**  
Notary Public, State of New York  
No. 02FE6109832  
Qualified in New York County  
Commission Expires May 24, 2008